

REMARKS

Applicant respectfully requests entry of the amendments and remarks submitted herein. Support for the amendments can be found, for example, on pages 9 and 10 of the PCT application as published.

Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1, 5, 9, 12, 14, 17, 18, 22, 26, 37 under 35 U.S.C. 102(b) as being anticipated by Dürr et al (Eur. Journal of Pharmaceutics and Biopharmaceutics, 1994) of record. The rejection is respectfully traversed.

Dürr discloses the preparation of mixed micelle solutions and liposome dispersions for parenteral use based on soya phosphatidylcholines. Dürr also discloses the preparation of liposomes loaded with doxorubicin. Dürr does not disclose the preparation of liposomes comprising cholesterol. Further, Dürr does not disclose the preparation of liposomes comprising the therapeutic agents of claim 1.

The Examiner has also rejected Claims 1, 5, 9, 12, 15, 17, 18, 22, 26, 37 and 42 under 35 U.S.C. 102(b) as being anticipated by EP 0 697 214 (Adler-Moore) of record. The rejection is respectfully traversed.

Adler-Moore discloses cyclosporin liposomal formulations. Adler-Moore does not disclose the preparation of liposomes comprising the therapeutic agents of claim 1.

The Examiner has also rejected Claims 1, 5, 9, 12, 17, 18, 22, 26, 37 and 42 under 35 U.S.C. 102(b) as being anticipated by WO 95/13053 (Straubinger) of record. The rejection is respectfully traversed.

Straubinger discloses a composition that includes "at least one taxane present in a pharmaceutical effective amount and a mixture of one or more negatively charged phospholipids and one or more zwitterion (i.e. uncharged) phospholipids". Straubinger does not disclose the preparation of liposomes comprising the therapeutic agents of claim 1.

Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 15 and 42 under 35 U.S.C. 103(a) as being unpatentable over Dürr by itself or in view of EP 0 697 214 (Adler-Moore) both cited above. The rejection is respectfully traversed.

Dürr and Adler-Moore have been discussed in regard to the rejections under 35 U.S.C. § 103(a) above. As noted in the discussion, neither Dürr nor Adler-Moore disclose the elements of claim 1. Therefore, the Examiner has not established a *prima facie* case of obviousness 35 U.S.C. § 103(a).

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CONCLUSION

The Examiner is invited to contact Applicant's Representative at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3503. If any extensions of time are needed for timely acceptance of papers, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account 50-3503.

Respectfully submitted,

Date: January 6, 2012

By: _____


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